



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

MAR 24 2010

Re: FANAPT
Docket No.: FDA-2009-E-0400

The Honorable David J. Kappos
Undersecretary of Commerce for Intellectual Property
Director of the United States Patent and Trademark Office
Mail Stop Hatch-Waxman PTE
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Director Kappos:

This is in regard to the application for patent term extension for U.S. Patent No. RE39,198, filed by Aventis Holdings Inc., under 35 U.S.C. section 156 et seq. We have reviewed the dates contained in the application and have determined the regulatory review period for FANAPT (iloperidone), the human drug product claimed by the patent.

The total length of the regulatory review period for FANAPT (iloperidone) is 6,552 days. Of this time, 5,964 days occurred during the testing phase and 588 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The date an exemption under subsection 505(i) of the Federal Food, Drug, and Cosmetic Act involving this drug product became effective: May 31, 1991.

FDA has verified the applicant's claim that the date the investigational new drug application became effective was on May 31, 1991.

2. The date the application was initially submitted with respect to the human drug product under section 505 of the Federal Food, Drug, and Cosmetic Act: September 27, 2007.

FDA has verified the applicant's claim that the new drug application (NDA) 22-192 was submitted on September 27, 2007.

3. The date the application was approved: May 6, 2009.

FDA has verified the applicant's claim that NDA 22-192 was approved on May 6, 2009.

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This determination of the regulatory review period by FDA does not take into account the effective date of the patent, nor does it exclude one-half of the testing phase as required by 35 U.S.C. section 156(c)(2).

Please let me know if we can be of further assistance.

Sincerely yours,



Jane A. Axelrad
Associate Director for Policy
Center for Drug Evaluation and Research

cc: Dr. Balaram Gupta, Mail Code BWD-303A
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